

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 Eric Leon Christian,
5 Plaintiff
6 v.
7 James Mahan,
8 Defendant

2:15-cv-00279-JAD-CWH

**Order Revoking
In Forma Pauperis Status
[ECF 10]**

9
10 Pro se plaintiff Eric Leon Christian sued U.S. District Judge James Mahan for decisions the
11 judge made during Christian's criminal case. On August 24, 2015, Magistrate Judge Hoffman
12 granted Christian's application to proceed *in forma pauperis* and screened his complaint.¹ Judge
13 Hoffman recommended that I dismiss Christian's claims because judges enjoy absolute immunity
14 from liability for acts performed in their official capacities. I adopted Judge Hoffman's
15 recommendation on September 11, 2015, dismissed and closed this case,² and overruled Christian's
16 belated objections to the order.³ Christian appealed.

17 The Ninth Circuit Court of Appeals has referred this matter back to me "for the limited
18 purpose of determining whether in forma pauperis status should continue for [h]is appeal or whether
19 the appeal is frivolous or taken in bad faith."⁴ An indigent appellant is entitled to in forma pauperis
20 status for his appeal if any portion of the appeal is non-frivolous and taken in good faith.⁵

21 I find this appeal to be wholly frivolous. The premise of plaintiff's claims is that errors by
22 the district judge who presided over plaintiff's criminal prosecution entitle him to \$10 million in

23
24 ¹ ECF 2 at 3.

25 ² ECF 4.

26 ³ ECF 6; ECF 7.

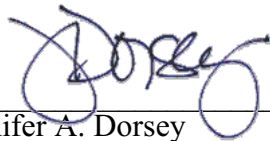
27 ⁴ ECF 10.

28 ⁵ *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

1 damages under the Federal Tort Claims Act.⁶ But it is well established that judges are absolutely
2 immune from damage liability for judicial acts.⁷ Because this legal tenet was the basis for the
3 dismissal of Christian's claims, any appeal from that dismissal is frivolous. Accordingly, **IT IS**
4 **HEREBY ORDERED that Christian's in forma pauperis status will not continue on appeal,**
5 **and it is hereby revoked.**

6 **The Clerk of Court is directed to notify the Clerk of Court for the Ninth Circuit Court**
7 **of Appeals of this revocation, referencing case No. 15-17158.**

8 Dated this 16th day of November, 2015

9 
10 _____
11 Jennifer A. Dorsey
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25

26 _____
27 ⁶ See ECF 1-1; ECF 2 at 2.

28 ⁷ *Id.*; ECF 7 at 2 n. 4 (collecting authority).